

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

7005 1933-4 P 449

SHARON MCNULTY, )  
Plaintiff, )  
 )  
v. ) C.A. No. 05-10040-WGY  
 )  
MASSACHUSETTS BAY COMMUTER )  
RAIL COMPANY, LLC, and )  
MASSACHUSETTS BAY )  
TRANSPORTATION AUTHORITY )  
a/k/a MBTA, )  
Defendants. )  
 )

DEFENDANTS' MOTION TO JOIN  
"JOINT DISCOVERY PLAN"

NOW COME the defendants and respectfully request leave to join in the "Joint Discovery Plan" which has been previously submitted by the plaintiff. In support of this motion, the defendants state:

1. The instant case was referred to undersigned counsel on January 28, 2005.
  2. On February 14, 2005, counsel received the Notice of Scheduling Conference which was issued by this Court on or about February 11, 2005. The Scheduling Conference is due to occur on Monday, March 7, 2005.
  3. Due to unavoidable circumstances, counsel was unable to respond to the Notice in a timely fashion: On February 4, 2005, his sole associate resigned from her employment unexpectedly, and from February 19, 2005 until March 1, 2005, counsel was out of town for a pre-arranged family vacation.
  4. Upon returning to the office, counsel found that a draft discovery plan had been submitted to his office by the plaintiff on or about February 22, 2005,

and that the same plan had been submitted to this Court on or about March 1, 2005 as "Plaintiff's Proposed Discovery Plan." Because of the circumstances described above, counsel regrettably was unable to respond to the draft plan in time for it to be submitted in joint fashion<sup>1</sup>.

5. Having now reviewed the draft plan submitted by the plaintiff, however, the defendants state that they have no objection to the terms suggested and respectfully request that they be granted leave to join in the proposed plan.

In light of the foregoing, the defendants request that they be permitted to join in the Plaintiff's Proposed Discovery Plan.

Respectfully submitted,  
Defendants,  
Massachusetts Bay  
Transportation Authority,  
By its attorney,



John J. Bonistalli, BBO # 049120  
LAW OFFICES OF JOHN J. BONISTALLI  
One Financial Center  
Boston, MA 02111  
(617) 695-3755

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<sup>1</sup> Counsel is cognizant of his obligation to confer with opposing counsel no later than twenty-one (21) days prior to the date of the settlement conference, as set forth in Local Rule 16.1(B); however, there were only twenty (20) days between his receipt of the Notice and the date of the conference itself, and counsel was out of the office for eleven (11) of those days.